

Application No.: 10/599,763  
Filing Date: November 3, 2006

**AMENDMENTS TO THE DRAWINGS**

Figure 1 has been amended to add a legend "Prior Art" as instructed by the Examiner. A "Replacement Sheet" for the drawing being amended is filed herewith.

**REMARKS**

Figure 1 has been amended to add a legend “Prior Art”. Claim 10 has been amended to correct clerical error. Claims 11 and 12 has been withdrawn. Claim 11 has amended to depend from Claim 1. No new matter has been added. Applicant respectfully requests entry of the amendments and reconsideration of the present application in view of the amendments and the remarks set forth below.

**Restriction Requirement**

As Applicant’s representative notified on a phone on January 16, 2009, Applicant elected Group I, Claims 1-10 and 13-18, **without traverse**, to prosecute the invention of Group 1.

**Request for Rejoinder**

Upon allowance of Group I claims, Applicant respectfully requests rejoinder of withdrawn Claims 11 and 12 which has been amended to be ultimately dependent on the elected Claim 1.

**Discussion of Objections to the Drawings**

In the Office Action, the Examiner objected to the drawings, stating that Figure 1 should be designated by a legend such as “Prior Art.” Applicant has submitted a separate paper with proposed changes in Figure 1 for approval by the Examiner as required by 37 C.F.R. § 1.121(d). The proposed changes are limited to those suggested by the Examiner, namely to designate this figure with the legend “Prior Art.”

**Discussion of the Claim Rejections Under 35 U.S.C. § 112**

Claim 10 has been rejected under 35 U.S.C. § 112 as being indefinite. A recitation “split fiber” has been found to be unclear. The recitation has been replaced with “split fiber” to correct typographical error. Applicant respectfully requests withdrawal of the rejection.

### **Discussion of Claim Rejections Under 35 U.S.C. § 102(b)**

Claims 1, 2, and 10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Imamura et al. (JP 2003/208183). Applicant respectfully submits that pending claims are allowable over Imamura et al., as discussed below.

#### **Standard of Anticipation**

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *“Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1375, 1376 (Fed. Cir. 2001)

### **Discussion of Patentability of Independent Claim 1**

Claim 1 recites, among other things, “a shape-retaining felt layer that can **maintain its molded shape**”. In rejecting the claims, the Examiner equates the shape-retaining felt layer of the claimed invention with a buffer layer 12 of Imamura. However, Imamura teaches a use of polyester fiber, thermoplastic fiber, and resin foam such as urethane foam for the buffer layer, and requires having an air wrapping property and **resiliency** (Paragraph [0053]), while the claimed shape-retaining felt layer maintains its molded shape. Thus, the cited reference does not describe “a shape-retaining felt layer that can maintain its molded shape” either expressly or inherently. Therefore, Applicant respectfully submits that Claim 1 is not anticipated by the cited reference, and Claim 1 is allowable over the prior art of record.

### **Discussion of Patentability of Dependent Claims**

The rest of the rejected claims depend from base Claim 1 and further define additional technical features of the present invention. In view of the patentability of Claim 1, and in further view of the additional technical features, Applicants respectfully submit that the dependent Claim 2 and 10 are patentable over the prior art.

### **Discussion of the Claim Rejections Under 35 U.S.C. § 103**

Claims 3-6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Imamura et al. (JP 2003/208183). Applicants respectfully submit that Claims 3-6 are allowable over Imamura et al., as discussed below.

Discussion of Patentability of Claims 3-6

As discussed previously, Imamura does not describe “a shape-retaining felt layer that can maintain its molded shape”. Rather, Imamura’s buffer layer is required to be resilient and Imamura teaches to distribute a melt fiber or powder within carpet layer for mold-ability. (Paragraph [0048]–[0049]) Thus, Imamura requires an extra process to match with the claimed molded interior trim installation material. Moreover, Claim 1, from which Claims 3-6 depend, also recites, among other things, “an porous adhesive layer that serves to adhere said air permeable design layer and said shape-retaining felt layer and that forms openings therein.” Although the Examiner appears to equate the recited porous adhesive layer with joining strips 11a of Imamura, the joining strips 11a are formed by dispersing, for example, a low-melting point thermoplastic resin, having a relatively low melting point, on the back of surface of carpet layer 11 in a powder form or in a fiber form. (Paragraph [0051]) This very process is described in the present specification at paragraph [0010] as prior art along with disadvantages of the process. These disadvantages include the difficulty for adjusting distribution amount and extra cost due to an energy consumption for the powder granulating process. Accordingly, one having ordinary skill in the art could in no way derive the claimed invention from only the cited reference. Therefore, Applicant respectfully submits that no *prima facie* case of obviousness has been established with respect to Claim 1.

Claims 3-6 directly depend from Claim 1 and further define additional technical features of the present invention. In view of the patentability of Claim 1, and in further view of the additional technical features, Applicant respectfully submits that Claims 3-6 are patentable over the prior art.

Discussion of the Claim Rejections Under 35 U.S.C. § 103

Claims 7-9 and 13-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Imamura et al. (JP 2003/208183) and further in view of Wood (2001/0050197). Applicant respectfully submits that Claims 7-9 and 13-18 are allowable over Imamura et al. and Wood as discussed below.

Discussion of Patentability of Claims 7-9

Wood is silent about the shape-retaining felt layer that can maintain its molded shape. Accordingly, none of Imamura et al. or Wood, alone or in combination teaches or suggests all of

the features of Claims 1. Meanwhile, there is no additional prior art cited to remedy the deficiencies of the cited references. Further, there is no explanation as to why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. Therefore, Applicant respectfully submits that no *prima facie* case of obviousness has been established with respect to Claim 1, and Claims 7-9 directly or indirectly depend from Claim 1 and further define additional technical features of the present invention. Therefore Applicant respectfully submits Claims 7-9 are patentable over the cited references.

**Discussion of Patentability of Claims 13-18**

Claim 13 recites, among other things, “a shape-retaining felt layer that can maintain its molded shape”, and as set forth above Imamura et al. and Wood does not describe the instant limitation. Therefore, with the same reason presented above, Claim 13 is patentable over Imamura et al. and Wood. The rest of the rejected Claims 14-18 are directly or indirectly depend from Claim 13 and further define additional technical features of the present invention. Therefore Applicant respectfully submits Claims 14-18 are patentable over the cited references.

**CONCLUSION**

In the light of the applicant’s amendments to the claims and the following Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

**No Disclaimers or Disavowals**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution.

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Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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